

HOUSE No. 670

By Ms. Candaras of Wilbraham, petition of Gale D. Candaras and Benjamin Swan relative to actions for damages in spousal abuse cases. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO SPOUSAL CLAIMS FOR TORTUOUS CONDUCT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 231 of the General Laws is hereby amended by
2 inserting after section 85Y the following section:—
3 Section 85Z. Whoever commits an act of violence against his
4 spouse, which act results in physical injury to such spouse,
5 whether or not such act resulted in criminal charges, prosecution
6 or conviction, shall be liable in tort to his spouse for damages as a
7 result thereof. An action for damages may be commenced in the
8 superior court or the probate court and shall constitute a separate
9 cause of action from any other actions for divorce, support, or
10 alimony. The court in awarding damages may assign all or part of
11 the estate of the husband or wife in satisfaction thereof, which
12 assignment shall be in addition to any order of alimony or support
13 pursuant to any other domestic relations claim.